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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,324	08/05/2003	Viktor V. Jarikov	84501ARLO	7849

7590 12/20/2005
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EXAMINER

GARRETT, DAWN L

ART UNIT PAPER NUMBER

1774

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/634,324

Applicant(s)

JARIKOV, VIKTOR V.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-110 is/are pending in the application.
- 4a) Of the above claim(s) 2-5,7-10,13-15,19-48,51-59,62-81 and 83-109 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6,11,12,14,16-18,49,50,60,61,82 and 110 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is responsive to applicant's response dated August 26, 2005. Claims 1-110 are present. Claims 2-5, 7-10, 13, 15, 19-48, 51-59, 63-81, and 83-109 are withdrawn as non-elected. Claims 1, 6, 11, 12, 14, 16-18, 49, 50, 60, 61, 82 and 110 are under consideration and stand rejected.
2. The examiner notes that the elected species under consideration are the following:

First component – the benzenoid hydrocarbon of claim 82

Second component – the oxinoid compound AlQ₃

The at least one dopant – the DCM moiety dopant DCJTB
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 6, 11, 12, 14, 16-18, 49, 50, 60, 61, 82, and 110 are again rejected under 35 U.S.C. 103(a) as being unpatentable over Vong et al. (US 2004/0021415 A1) in view of Tang et al. (US 5,294,870). Vong et al. teach organic light emitting devices that may have a single layer luminescent region comprising tris(8-hydroxyquinolate) aluminum (AlQ₃) (see par. 33). The luminescent region may further comprise in an amount of 0.01 weight percent to about 25 weight percent fused ring fluorescent dyes such as pyrene and the like (see par. 36) and fluorescent dyes such as DCJTB (see par. 37). Vong et al. fails to exemplify a device comprising a luminescent region comprising AlQ₃ doped with both a pyrene derivative and DCJTB; however, it would have been obvious to one of ordinary skill in the art at the time of the invention to have formed a layer with AlQ₃, pyrene derivative and DCJTB, because Vong et al. teaches all the components

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may be used in the luminescent region. Pyrene derivatives and DCJTB are both taught as useful dopants and it is obvious to use a mixture of components taught as useful for the same purpose. Although Vong et al. generally teaches pyrene derivatives may be used in the device, Vong et al. fails to teach the specific pyrene derivative of claim 82. Tang et al. teaches in analogous art the compound according to claim 82, benzo[a]pyrene, as a fluorescent dye for an organic electroluminescent device (see col. 32, line 56 to col. 33, line 44). It would have been obvious to one of ordinary skill in the art at the time of the invention to have selected benzo[a]pyrene as a pyrene derivative fluorescent dye for the Vong et al. device, because Tang et al. clearly teaches benzo[a]pyrene is a fluorescent dye suitable for an organic device.

Response to Arguments

5. Applicant's arguments filed August 26, 2005 have been fully considered but they are not persuasive. Applicant states "Applicant believes that no one has disclosed or suggested the use of a host mixture for receiving a dopant wherein the host mixture has at least two components, one of which is capable of forming both monomer state and an aggregate state." The examiner submits that Vong et al. and Tang et al. render obvious the combination of three components in a luminescent layer as required by the claims. With regard to two "host" materials, applicant has not limited the claims to any particular amounts for each of the required components. The recitation that one of the components is "capable" of various functions and an argument that these functions are not recognized in the art is not persuasive. The prior art renders obvious the combination of the same materials as set forth by applicant. These materials are deemed to have the same functions, properties, and capabilities as those recited by applicant. Recitation of a newly disclosed property does not distinguish over a reference disclosure of the article or

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composition claims. *General Electric v. Jewe Incandescent Lamp Co.*, 67 USPQ 155. *Titanium Metal Corp. v. Banner*, 227 USPQ 773. Applicant bears responsibility for proving that reference composition does not possess the characteristics recited in the claims. *In re Fritzgerald*, 205 USPQ 597, *In re Best*, 195 USPQ 430.

With regard to the motivation to use multiple “host” materials, absent evidence otherwise, it is *prima facie* obvious to combine two materials taught by the prior art as useful for the same purpose, in order to form a composition which is to be used for the very same purpose.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571) 272-1523. The examiner can normally be reached Monday through Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dawn Garrett
Primary Examiner
Art Unit 1774

D.G.
December 13, 2005